

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 849 - SB 1133

March 10, 2017

SUMMARY OF BILL: Authorizes the fines collected pursuant to Tenn. Code Ann. § 39-13-111 relative to domestic assault to be used to pay for global positioning monitoring systems for domestic assault or stalking offenders as a condition of bail.

Authorizes a judge to use the funds to pay for an indigent defendant's GPS monitoring.

Requires courts to have forms with a space to indicate whether GPS monitoring was considered as a condition of bail and whether or not it was imposed.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The proposed legislation could result in a shifting of state funds from the current purpose of family violence shelters and shelter services, to the proposed purpose of GPS monitoring of domestic assault or stalking offenders. However, due to unknown variables, the amount and timing of funds that will shift cannot reasonably be determined.

Assumptions:

- Housing pre-trial offenders is the responsibility of local governments as is the responsibility to monitor offenders out on bail.
- A judge may order, as a condition of bail, that a person charged with domestic assault or stalking wear a GPS anklet while out on bail. If the defendant is indigent, the judge may order the defendant to perform community service in lieu of paying for the monitoring. The proposed legislation repeals this provision and authorizes funds collected under Tenn. Code Ann. § 39-13-111 to be used to pay for indigent defendants' GPS monitoring.
- The proposed legislation allows for the fee under Tenn. Code Ann. § 39-13-111(c)(5) to be appropriated from the General Fund by the General Assembly for use in paying GPS monitoring fees. Under current law, this fee is available to be appropriated by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Any amount used to pay for GPS monitoring would reduce state funding for family violence shelters and shelter services.

- Local governments currently pay for indigent defendants' monitoring but may require community service in lieu of payment. The proposed legislation does not alleviate the local government from paying for monitoring. It merely makes funds available that previously could not be used for GPS monitoring.
- The proposed legislation could result in a shifting of state funds from one purpose—family violence shelters and shelter services—to another purpose—GPS monitoring of domestic assault or stalking offenders. However, due to unknown variables, the amount of state funds that will shift cannot reasonably be estimated.
- The Administrative Office of the Courts, local court clerk contacts, and CTAS confirm that the proposed legislation will not significantly impact local government operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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